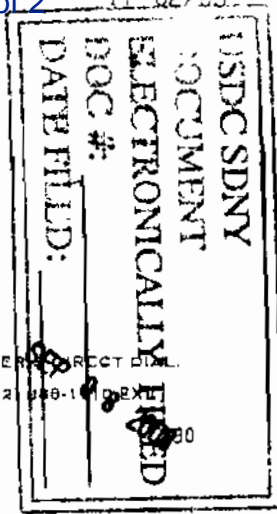


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September 4, 2008

SO ORDEREDVia Facsimile: (212) 805-6737Hon. George B. Daniels
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, NY 10007
HON. GEORGE B. DANIELS

SEP 03 2008

Re: Mallozzi v. Industrial Enterprises of America, Inc., et al.
Case No.: 07-CV-10321 (GBD)

Dear Judge Daniels:

We write to respectfully request a three-week adjournment of the time for defendant Dennis O'Neill to respond to the Amended Complaint. We have filed a substitution of counsel today and need the extension to be able to "get up to speed."

The background, as we understand it, is as follows. The Complaint was filed on November 14, 2007. On May 27, 2008, Alston & Bird LLP appeared for Mr. O'Neill. An Amended Complaint was served on July 2, 2008, with a response due on August 11, 2008. Thereafter, Alston & Bird indicated an intent to withdraw and a consent motion dated July 30, 2008 was filed; it provided for an adjournment of the response date to September 11, 2008.

Accordingly, Mr. O'Neill set out to retain substitute counsel; we have recently been retained and have, as noted above, just filed the substitution.

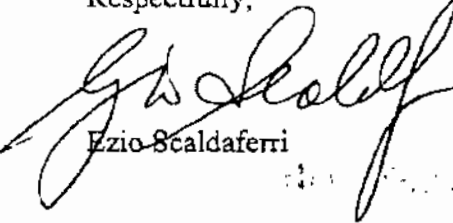
In addition, Jonathan Honig, who will be principal counsel, has several commitments in connection with a matter pending in the Northern District of New York Bankruptcy Court in the period prior to September 11, 2008.

Plaintiffs have refused to consent to the requested adjournment, or any adjournment at all, as set forth in the annexed email.

Hon. George B. Daniels
September 4, 2008
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We submit that plaintiffs' counsel should have consented to the modest adjournment, and that plaintiffs will not be prejudiced by the short delay while defendant O'Neill would be prejudiced if his counsel were denied an opportunity to adequately prepare. Accordingly, we request that the Court grant the adjournment so that Mr. O'Neill can respond on or before October 2, 2008.

Respectfully,



Ezio Scaldaferrì

ES:hk
Encl.

cc: All counsel of record